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## Senate

The Senate met at 12 noon and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who remains the same though all else fades, You don't leave us when we leave You. You are gracious and compassionate, slow to anger, and rich in love.

Thank You for Your presence in the lives of our Senators. Give them a clearer vision of the light that leads to truth. Remind them that everything is possible for those who believe. Incline their hearts to Your wisdom and love, as you keep them on the path of integrity. May they find rest and joy in spending time with You. When their hearts grow faint and weary and the night overtakes them, renew their strength and enable them to soar on eagle's wings. May the differing approaches expressed by both parties contribute to greater solutions to the problems in our world. Lord, deliver our lawmakers in times of trouble and bless them as they seek to honor You.

We pray in Your wonderful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 31, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, today the Senate will conduct a period of morning business for an hour, with the time equally divided and controlled. The majority will control the first half and the Republicans will control the final half.

Following morning business, the Senate will resume the motion to proceed to H.R. 3963, the children's health insurance legislation.

For the knowledge of all Members, we came in late today. There was a very important hearing that one of the committees had. We had been told that there would likely be a Senator who would object to the committee meeting, so we came in later so they could complete their work. I think we will still accomplish all we need to do.

I filed a cloture motion on the motion to proceed. Unless an agreement is reached, we will have a cloture vote sometime this afternoon.

We are going to start the farm bill after the CHIP legislation is completed or disposed of. That will be Monday when we will move to the farm bill.

### MEASURES PLACED ON CALENDAR—S. 2264 and H.R. 2295

Mr. REID. Mr. President, I ask that the Chair direct its attention to two bills at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the titles of the bills for the second time.

The assistant legislative clerk read as follows:

A bill (S. 2264) to amend the Internal Revenue Code of 1986 to extend for two years the tax-free distributions from individual retirement plans for charitable purposes.

A bill (H.R. 2295) to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

Mr. REID. Mr. President, I now object to any further proceeding to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

### CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. REID. Mr. President, children's health is a tremendously difficult issue because children all over America need to be able to go to a doctor when they are sick or hurt. The way this body is operating now basically is that we are not going to be able to complete, it appears, our legislation. The President has vetoed the bill once. We were told that if certain changes were made, Republicans in the House would look to this legislation favorably. We did make some changes. We tightened down the legislation so it is virtually impossible for anyone who is here illegally to obtain benefits from this program. We changed that.

We also limited the legislation so parents or adults without children would be off the program in 1 year. Also, there could be no waivers for

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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those over 300 percent of poverty. Ninety-two percent of the individuals getting benefits from the legislation are 200 percent above poverty.

We made those changes, hoping it would bring some around. After that was done and it passed the House and came over here, we were told by a number of individuals if we would hold off on this legislation, there would be an agreement reached, and I thought that was a good suggestion. As the RECORD indicates, yesterday I asked that that be the case. Obviously, that was not the case. An objection was heard and we were unable to delay the vote.

This morning, we heard something from the President that is totally different. He keeps changing the ball here. First of all, he indicated to Leader PELOSI and me that he would like to sit down and talk to us. He said that publicly in the press. After the veto vote, he said he would like to come down and talk to us. Then he said, no, I am not going to talk to you; talk to my staff. Obviously, he wasn't leveling with the American people then.

Today, he came up with a new deal. He doesn't like the way it is paid for. I guess his term of reference is that we don't pay for much around here. That is why we have these staggering deficits. But he said in the press today he didn't like the way it is paid for. Remember, we are on a pay-go program around here. Any new spending has to be paid for. This children's health program is paid for with tobacco taxes. So the goalposts keep being moved.

What are the consequences? Is it a bunch of talk by Government officials, of which I am one? It is very serious. Twenty-one States will run out of money for children's health insurance in the coming year. At least nine of those States will exhaust their allotments in March if Congress continues spending at current levels.

There is a report that came out today in the New York Times newspaper. California is adopting rules, in case that happens, to create a waiting list and remove more than a million children who are already on the rolls. These are kids. The nine states that will run out of money by March are Alaska, Georgia, Illinois, Iowa, Maine, Maryland, Massachusetts, New Jersey, and Rhode Island. This comes from a nonpartisan, nonpolitical organization, the Congressional Research Service.

So there are real consequences to what we are not doing. We are going to go ahead with the vote today and complete this legislation, as I indicated, sometime this week. If we have to work into the weekend, we will. I have alerted the Republican leader of that. If necessary, we can, of course, condense that time, but it would take consent of all the Senators.

We are, in good faith, trying to protect children—children who are already receiving the benefits of this program that was adopted 10 years ago on a bipartisan basis, led by Senators KENNEDY and HATCH. Now we are trying to

further this legislation, led by Senators BAUCUS, GRASSLEY, ROCKEFELLER and HATCH and their counterparts in the House.

I think it is a real shame that we are at the point where we are. Ten million children, if we pass this legislation, would have the benefits of this insurance. If we don't pass it, as indicated in some of the statistics I gave a minute ago, 9 States will run out of money in March and 21 States will run out next year sometime.

The program now has 5.5 million children on it. If we don't do anything by year's end, it will be down to about 3 million children. That is what I am told. If we pass our legislation—and it doesn't cost the American people any money—we would wind up having 10 million children covered. As I have indicated, most all adults will be off the program, as I have indicated to the chair and to those within the sound of my voice.

This is a good program. This doesn't take into consideration approximately 50 million people who have no health insurance, but it takes care of a few of the children—the little people—who need help when they are sick and hurt. This allows them even to go get some preventive care, which is badly needed, which will save our country a lot of money in the so-called outyears.

We are ready and willing to be reasonable, but it appears we have no alternative, based on what we did yesterday, to proceed forward and send the bill to the President again. The only thing that would come in the way of that is if the Republicans use whatever excuse they can come up with to try to satisfy the President.

As I said yesterday, in the 7 years this man has been President, he has had the strings on his puppets in the Senate. Maybe people who voted for this on more than one occasion will switch and say we don't like the way we are being treated. Remember, we have given them everything they wanted, and they could not take yes for an answer yesterday.

#### RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### NOMINATION OF JUDGE MICHAEL B. MUKASEY

Mr. MCCONNELL. Mr. President, today marks the 40th day since the nomination of Judge Michael Mukasey to be Attorney General.

The Mukasey nomination was the culmination of a process in which the President was extremely solicitous of the views of the Democratic majority.

Let's recap. Our friends on the Democratic side of the aisle did not want the former Attorney General to continue in office and, as we all know, he resigned.

Our Democratic colleagues wanted to be consulted on whom the next Attorney General should be. Well, the administration consulted extensively with our Democratic friends.

Our Democratic colleagues did not want the former Solicitor General, Ted Olson, to be nominated. He, in my view, would have made an outstanding choice. But the administration did not nominate him.

Our Democratic colleagues said if, instead, the President "were to nominate a . . . conservative . . . like Mike Mukasey," he "would get through the Senate very, very quickly." Well, the President didn't nominate somebody like Mike Mukasey; the President nominated Mike Mukasey himself. He received widespread acclaim for taking that step.

So it is apparent the President acted in a very bipartisan fashion in reaching the decision he did to nominate Judge Mukasey.

So did our Democratic colleagues reciprocate to that act of good faith? At this point, it is kind of difficult to say they have. First, they held up the nomination for weeks before even scheduling a hearing—an action—or, more precisely, an inaction—which the Washington Post termed "irresponsible."

Then, despite the fact that Judge Mukasey testified for 2 days and answered 250 questions in the process, our Democratic colleagues asked him to answer an additional 500 written questions. By contrast, Attorney General Reno did not receive any written questions until after she was confirmed. Then it took over 2 weeks for a markup to be scheduled. I understand one now has been scheduled for next Tuesday, and I am certainly glad that has finally occurred, but it shouldn't have taken nearly this long.

Months ago our Democratic colleagues told us "this Nation needs a new Attorney General and it can't afford to wait." That was the cry on the other side: We need a new Attorney General and we can't afford to wait. Unfortunately, since then, we have been waiting and waiting and waiting. We have been waiting so long that Judge Mukasey's nomination is the longest pending Attorney General nomination in two decades.

Now the good news is that the markup has been set. We need to get Judge Mukasey's nomination to the floor for an up-or-down vote as soon as possible.

I think we have seen some unfortunate flareup of partisanship. Hopefully that will not continue and we can get Judge Mukasey to work down at the Justice Department where we all agree his services are very greatly needed.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.